

REMARKS/ARGUMENTS

The indicated allowance of claim 16 is noted with appreciation.

The rejection of claims 13-15 and 17-20 as anticipated by Haller U.S. patent No. 4,692,156 is respectfully traversed. The Examiner takes the position that the cannula base 60 of Haller is secured to the interior of the distal wall of the barrel. This is not so. The cannula base 60 may be formed of hard plastic material as the Examiner has pointed out but that hard plastic material does not have exterior wall surfaces releasably securing the needle carrier along the interior wall surfaces of the distil barrel end. In Haller, the mechanism for securing the base 60 to the barrel end is the deformable tapered mounting post 38 or the deformable mounting post 98 of Figure 4. Thus the exterior walls of the base 60 do not secure the base 60 to the barrel end. Rather, the deformable portions 38 and 98 effect that securement. It is necessary to deform those deformable portions in order to withdraw the base 60 which Haller does not indicate as being otherwise than by the deformable portions secured to the barrel end. Consequently applicant has amended claim 13 to require non-deformable exterior wall surfaces of the needle carrier to releasably secure the carrier along the interior wall surfaces of the distal barrel end.

Entry of the foregoing amendment is respectfully requested under 35 C.F.R. § 1.116 on the grounds that the amendment is necessary and could not have been earlier presented. Applicants believed, by previously reciting that the exterior wall surfaces of the carrier releasably secure the carrier along the interior wall surfaces, that the claim language distinguished over Haller (note page 7 last two lines of the prior amendment).

NOVACEK ET AL.
Appl. No. 10/042,355
January 29, 2004

Applicants did not have the benefit of the Examiner's views as set forth in the final rejection. Thus, applicants submit that the current amendment to claim 13 necessarily further distinguishes over the prior art and could not have been anticipated as necessary in light of the Examiner's interpretation of the Haller reference.

Accordingly, reconsideration and allowance of the claims currently pending is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: *Richard Besha*
Richard G. Besha
Reg. No. 22,770

RGB:pfc
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100